EEO MODULE 4:

Department of the Navy's Workplace Alternative Dispute Resolution (ADR) Program

HOW DOES THE ON-LINE TRAINING PROGRAM WORK?

- **This Power Point presentation training will take about 30 minutes to complete and includes a short quiz at the end.**
- **Once in Power Point, click on “View”and “Slide Show.”**
- **You may exit (escape key) the training at any point and log in at a later time, paging down to where you left off. You can use your Page key (Up or Down) to move forward or backward in the program to view either the next slide or previous slides.**
- **To document that you have completed this training, at the end of the training you will need to notify both your supervisor and the person in your activity who is responsible for sending electronic records of completed training to the Human Resources Service Center, Pacific, Code 30.**

Training Objectives

At completion of the training, the employee will be able to:

- Define ADR.
- Describe when to use ADR.
- Explain who to contact for mediation.

Definition of Alternative Dispute Resolution (ADR):

Any procedure which is used in lieu of a formal process or litigation to resolve conflicts and issues in controversy, including, but not limited to, partnering, conciliation, facilitation, mediation, ombudsmanship, fact finding, mini-trials, neutral evaluation, and arbitration or any combination thereof.

A formal process or litigation generally refers to administrative or judicial forms of adversarial adjudication in a rights based system. This means a judge conclusively stating who is right and who is wrong.

Except for arbitration and some types of mediation, ADR uses processes that avoid judges and return decision making to the parties in dispute. It often removes the “right v. wrong” analysis in favor of “interest based negotiation.”

Conflict resolution through ADR:

- Allows a cooperative effort by the parties to externalize a problem.
- Builds bridges through communication.
- Finds ways to resolve conflict without the need for resorting to formalized judicial proceedings.

ADR offers a wide array of techniques to resolve conflicts.

- Some techniques involve a neutral third party acting as a facilitator.
- Other techniques seek advice from the neutral third party.
- Some utilize the neutral third party as a decision-maker.

ADR is an alternate method for resolving disputes and problems outside of the traditional process of grievances, EEO complaints, and litigation.

For administrative disputes, mediation is the ADR process most commonly used by the Navy and Marine Corps.

What is Mediation?

Mediation is a voluntary ADR process in which a trained, certified neutral person facilitates discussions between two or more parties to help them arrive at a mutually agreeable resolution of a dispute.

Goal of ADR

- Resolve disputes and conflicts at the earliest stage feasible.
- Resolve disputes quickly.
- Resolve disputes inexpensively.

ADR is appropriate for:

- Workplace disputes
- Administrative grievances
- EEO complaints
- Discipline issues
- Union Issues (IAW Collective Bargaining Agreement)
- Reaching consensus in a working group.

SECNAVINST 5800.13

On 11 December 1996, the DON issued the current ADR policy.

DON Policy

- ADR techniques shall be used as an alternative to litigation or formal administrative procedures to the maximum extent practicable.
- Use of these techniques may resolve the entire issue in controversy or a portion of the issue in controversy.

DON Policy Cont.

- The goal is to resolve disputes and conflicts at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level prior to litigation.

DON Policy Cont.

- Every conflict and issue in controversy, regardless of the subject matter, is a potential candidate for ADR.
- All personnel shall consider and encourage the use of ADR to resolve conflicts and issues in controversy.

To schedule a workplace mediation:

- Contact the HRSC PACIFIC ADR Coordinator at 671-1643 ext 202.

  Visit the following Web sites:

- http: adr.navy.mil
- www.donhr.navy.mil/hrsc/pacific/Code10/index.html
- www.hawaii.navy.mil/HRO/eeo_dispute_resolution/alt_dispute_resolution.htm

Quick Quiz:

Which of the following would not be appropriate for mediation?

- Criminal conduct issues
- Issues that involve security breaches.
- Precedent setting issues
- Issues involving negotiated contracts from bargaining units.
- Pre-complaints that concern a matter which has already been decided by the DON, EEOC or a U.S. Court.

Answer:

- All of the above. Sometimes litigation is the preferred method of conflict resolution. If DON needs a precedent setting decision or the issue involves a very significant policy, ADR might not be appropriate.

Which of the following would be a good case for mediation?

- Bill Wilson got an “unsatisfactory” performance appraisal and believes that is because of his race. He told his supervisor that he will file an EEO complaint.

- As part of his agency’s approved drug testing program, Allen Martin was randomly selected and then ordered for testing and refused, disobeying a direct order to go down to the collection site. He complied two weeks later. The agency then suspended him for subordination. He filed a union grievance.

Answer:

- Both would be appropriate cases for mediation. ADR is appropriate for EEO complaints and discipline issues.

Which of the following is part of a mediator's role?

- Acts as a judge
- Promotes self-determination
- Raises issues
- Defines problems
- Facilitates communication

Answer:

- All except for the first. A mediator does not act as a judge. A mediator does not render opinions or judge right and wrong. Agreements and decisions are created by the parties themselves.

For more information on ADR in the Department of the Navy, please visit http://adr.navy.mil